



City of Santa Barbara
Planning Division

Memorandum

DATE: September 4, 2008
TO: Planning Commission
FROM: Kathleen Kennedy, Associate Planner *KK*
SUBJECT: 810 Bond Avenue and 516 N. Nopal Street (MST2004-00351)

Introduction

On July 10, 2008, the Planning Commission considered an appeal of this condominium conversion project which had been denied by the Staff Hearing Officer (see Exhibit B – Planning Commission Staff Report). After much discussion by the Planning Commission, the project was continued with the intent that the proposed project would be approved if the applicant could 1) redesign the parking area to allow one of the parking spaces to back onto Nopal Street; 2) provide additional in-ground landscaping to the extent possible; and 3) replace the cobra head street light (see Exhibit C - Draft Planning Commission Minutes).

The proposed project involves the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to four condominium units on a 7,185 square foot lot. The residential units consist of one 601 square foot one-bedroom unit, one 1,137 square foot two-bedroom unit, and one 1,262 square foot three-bedroom unit for a total of 3,000 square feet. The commercial space is 3,171 square feet and is currently occupied by The Engine Company, an automotive repair business. Seven parking spaces (two covered and five uncovered) are provided. No exterior architectural alterations are proposed.

Discussion

Parking: The applicant submitted a redesign of the parking area that would allow one of the parking spaces to be accessed from Nopal Street (see Exhibit D – Applicant Redesign Sketch). The redesign also includes the relocation of the residential parking space to the space located closest to Bond Avenue. The redesign was reviewed by Transportation Staff and it was determined that the six foot high security wall proposed around the perimeter of the parking space would limit visibility. Both the wall and the additional curb cut would result in the potential for vehicle-vehicle and pedestrian-vehicle conflicts. Staff also considered an option that would not include a wall, but would include a gate at the parking space entrance. However, that would cause conflict

in the street while waiting for the gate to open. Transportation Staff is in support of the current parking space configuration, provided there is an increase in landscaping.

Landscaping: The applicant proposes a two-foot wide landscape planter and a six foot high trellis with bougainvillea, alongside the handicap ramp, for a total area of 40 square feet. Staff continues to support a more substantial increase in landscaping in the area surrounding the angled parking space.

Street Light Standard: The applicant requests that the street light not be required to be replaced. The current property owner was required to install the existing street light as a condition of approval for the existing mixed-use development and it was installed approximately one year ago.

Recommendation

Staff recommends that the Planning Commission uphold the appeal and approve the Tentative Subdivision Map and Condominium Conversion (including a parking exception), making the required findings in Exhibit B and subject to the attached conditions of approval in Exhibit A.

Exhibits:

- A. Revised Conditions of Approval
- B. Planning Commission Staff Report, July 10, 2008
- C. Draft Planning Commission Minutes, July 10, 2008
- D. Applicant Redesign Sketch

PLANNING COMMISSION CONDITIONS OF APPROVAL

810 BOND AVENUE & 516 N. NOPAL STREET
TENTATIVE SUBDIVISION MAP, CONDOMINIUM CONVERSION
SEPTEMBER 4, 2008

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
 - 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Bond Ave Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Bond Avenue. As determined by the Public Works Department, the improvements shall include a new driveway apron modified to meet Title 24 requirements and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 - 3. **Agreement to Construct and Install Improvements.** The Owner shall submit an executed "Agreement to Construct and Install Improvements prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
- B. **Recorded Agreement(s).** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, prepared by the Engineering Division which shall be recoded in the Office of the County Recorder including the following provisions:
 - 1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 - 2. **Required Private Covenants.** The Owners shall submit either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of

the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- b. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all parking spaces (both covered and uncovered) shall be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the parking spaces were designed and permitted. The uncovered parking space for Unit B, as shown on the project plans, shall be reserved for that unit.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 - 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 - 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to

capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Approved Development.** The development of the Real Property approved by the Planning Commission on September 4, 2008 is limited to the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to three residential condominium units and one commercial condominium unit and the improvements shown on the project plans and Tentative Subdivision Map signed by the Planning Commission on said date and on file at the City of Santa Barbara.
 7. **Use Limitations.** Due to potential parking impacts, uses which require more parking than auto repair are not permitted without further environmental and/or Planning Commission review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
 8. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
 9. **Residential Permit Parking Program.** Residents of the Real Property and their guests shall not participate in the Residential Permit Parking Program.
- C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. Provide photographs of way finding signs to all units.
 2. Provide photographs verifying that the parkway landscaping is being maintained.
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the three residential condominiums, and one commercial condominium.
 2. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits. .
1. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
 2. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. **Condominium Conversion Ordinance Compliance.** Owner shall comply with the tenant protection provisions of the Condominium Conversion Ordinance (SBMC Chapter 28.88) (including adjustments to the tenant assistance specified in Subsection 28.88.100.G as specified below):

1. **Notice of Approval of Conversion.** Owner shall deliver written notice to each tenant household within 15 days of the approval of the conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.
 2. **Notice of Final Map.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of such approval.
 3. **Exclusive Right to Purchase (Right of First Refusal).** Prior to issuance of a Certificate of Occupancy on the Conversion Permit, Owner shall provide evidence of the extension of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.
 4. **Notice of Vacation of Unit.** Each non-purchasing tenant household that is not in default shall have not less than 180 days from the date of approval of the conversion in which to find substitute housing and to relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100.E of the Municipal Code.
 5. **Tenant Displacement Assistance.** In the place of the moving expenses specified in Subsection 28.88.100.G of the Santa Barbara Municipal Code, Owner shall provide each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89. Evidence of compliance with this condition shall be submitted prior to the issuance of a Certificate of Compliance for the conversion permit.
- G. **Prior to Final Inspection for the Condominium Conversion Permit.** Prior to Final Inspection for the Condominium Conversion Permit, the Owner of the Real Property shall complete the following:
1. **Recordation of Parcel Map.**
 2. **Recordation of the Agreement Relating to Subdivision Conditions Imposed on Real Property.**
 3. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curb, gutter, sidewalk, roadway, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
 4. **Complete Public Improvements.** Complete public improvements identified earlier in these conditions.
 5. **Recordation of Map and Agreements.** After City Council approval of the Parcel Map and Agreement(s), the Owner shall provide evidence of recordation to the Public Works Department.

6. **Evidence of Private CC&R's Recordation.** Evidence shall be provided that the private CC&R's required in Section A have been recorded, prior to Final Inspection.

NOTICE OF TIME LIMITS:

The Planning Commission's action approving the Tentative Subdivision Map and Condominium Conversion shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: July 3, 2008
AGENDA DATE: July 10, 2008
PROJECT ADDRESS: 810 Bond Avenue and 516 N. Nopal Street (MST2004-00351)
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Associate Planner *KK*

I. PROJECT DESCRIPTION

On April 9, 2008, a public hearing was held and the Staff Hearing Officer denied the project because the required findings could not be made. This is an appeal of that decision (see Attachment A - Staff Hearing Officer Resolution).

The proposed project involves the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to four condominium units on a 7,185 square foot lot. The residential units consist of one 601 square foot one-bedroom unit, one 1,137 square foot two-bedroom unit, and one 1,262 square foot three-bedroom unit for a total of 3,000 square feet. The commercial space is 3,171 square feet and is currently occupied by The Engine Company, an automotive repair business. Seven parking spaces (two covered and five uncovered) are provided. No exterior architectural alterations are proposed (see Attachment B - Staff Hearing Officer Staff Report).

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units and one commercial condominium unit (SBMC§27.07); and
2. Condominium Conversion to allow the conversion of three apartments and one commercial unit to four condominium units, including an exception to the parking standards (SBMC§28.88).

III. DISCUSSION

A. STAFF HEARING OFFICER ACTION

On April 9, 2008, a public hearing was held and the Staff Hearing Officer denied the project because the following required Condominium Conversion finding could not be made: "The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction."

The Staff Hearing Officer stated that the main areas of concern were parking and the mix of land uses. One parking concern was that only two of the three residential units (Units D & E) have a covered parking space and the smaller one-bedroom unit (Unit B) has only an uncovered parking space. Although it was determined that the parking requirement was being met and covered parking spaces are not required, the Staff Hearing Officer stated that it would be more appropriate for each residential unit to have a covered parking space if converted to condominiums.

In regard to the mix of land uses, the Staff Hearing Officer was concerned that the parking site plan has the potential for conflicts, in that the vehicles associated with the automotive repair business would park such that they may block access to the residential parking spaces. The Staff Hearing Officer also stated that she was concerned that the parking lot was not currently being utilized as shown on the plans. Other issues of concern include the noise and exhaust associated with the automotive repair business and its effect on the residential units. According to the Staff Hearing Officer, this mix of land uses would be more suited to apartment units than residential condominium units because the residents would be able to more easily relocate if incompatibility issues were to arise (see Attachment C - Staff Hearing Officer Minutes).

B. APPEAL ISSUES

On April 15, 2008, the applicant appealed the denial of the project stating that the project meets the parking requirement and that the automotive repair and residential land uses are compatible (see Attachment D- Appellant's Letter).

Parking: As stated in the attached staff report, the project meets the parking requirement for a new, mixed-use development. Covered parking spaces are not required although they are encouraged. Two of the three residential units have one covered parking space each. The other unit has an uncovered space, which would be reserved for that unit. Four additional commercial/guest spaces are provided onsite. It does not appear that an additional covered parking space could be accommodated onsite without having to eliminate a commercial space; therefore, this would not be recommended.

Upon further review since the Staff Hearing Officer hearing, it was determined that, although the parking requirements would be met for a new, mixed-use development, the Condominium Conversion Ordinance requires one and one-half parking spaces per unit for one bedroom units and two parking spaces per unit for units containing two or more bedrooms. For the proposed project, the requirement would be six spaces; however, the Condominium Conversion Ordinance includes a provision to allow an exception to the physical standards for

condominium conversions, such as parking, if the Staff Hearing Officer or Planning Commission can make certain findings. In this case, the finding that "the project includes design features or amenities which off-set the project's failure to meet the standard" can be made because the project has four additional parking spaces that would be available when the commercial use is not in operation, and when residential use would typically be greater. Therefore, staff recommends that the Planning Commission grant an exception to the parking standard for the proposed project.

In addition, for clarification, staff recommends that the following revision be made to the conditions of approval.

"Parking Spaces Available for Parking. A covenant that includes a requirement that all parking spaces (both covered and uncovered) shall be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages parking spaces were designed and permitted. The uncovered parking space for Unit B, as shown on the project plans, shall be reserved for that unit."

Land use compatibility: The other area of concern involves the land use compatibility of the automotive repair use and the residential use. The General Plan does not prohibit the construction of new residential units in the industrial area; therefore, the conversion of the existing residential units to condominiums is consistent with the General Plan. In regard to noise, the applicant states in the appeal letter that specific sound reduction measures were incorporated into the construction in order to lessen the impact on the residential units. The applicant has further elaborated that the sound reduction measures include additional sound deadening material in the flooring, double pane glass windows and additional sound deadening in the walls. The Engine Company, which was formed in 1977 and moved to the current site in 1981/82, is closed on weekends and on Mondays, which minimizes the amount of possible conflict. Since a condominium association would be required, CC&R's would be created to address complaints, which would be expected to have better results than residential units located on parcels adjacent to similar uses.

In addition, the existing automotive repair use is the least compatible use allowed in the C-2 zone; therefore, any change of use in the future would be expected to be more compatible. And recently, the Planning Commission approved a mixed-use project (319 N. Milpas St.) which was in the C-2 zone and directly adjacent to industrial uses in the M-1 zone.

Staff acknowledges that there is a possibility that there may be some conflicts between the existing automotive repair use and the existing residential use with regard to noise, vehicle exhaust, parking or other issues. However, the proposal conforms to all Zoning Ordinance requirements, the residential units are new and of high quality construction, are aesthetically pleasing, and are located close to jobs and services. Currently, all units are occupied and any potential owners of the residential units would be aware of the automotive repair business and would be able to make an informed decision regarding the purchase.

IV. **RECOMMENDATION**

While staff agrees with the Staff Hearing Officer that the concerns raised are valid, staff believes that those concerns have been answered and recommends that the Planning Commission uphold the appeal and approve the Tentative Subdivision Map and Condominium Conversion (including a parking exception), making the required findings and subject to the revised conditions of approval in the attached Staff Hearing Officer staff report.

Attachments:

- A. Staff Hearing Officer Resolution 029-08
- B. Staff Hearing Officer Staff Report for April 9, 2008
- C. Staff Hearing Officer Minutes for April 9, 2008
- D. Appellant's Letter, dated April 15, 2008



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 029-08

810 BOND AVENUE AND 516 N. NOPAL STREET

TENTATIVE SUBDIVISION MAP AND CONDOMINIUM CONVERSION

APRIL 9, 2008

APPLICATION OF OROSZ ENGINEERING GROUP, INC., AGENT FOR PETER AND SYLVIA KURRELS, 810 BOND AVENUE AND 516 N. NOPAL STREET, APN 031-234-022, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2004-00351)

The proposed project involves the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to four condominium units on a 7,185 square foot lot. The residential units consist of one 601 square foot one-bedroom unit, one 1,137 square foot two-bedroom unit, and one 1,262 square foot three-bedroom unit for a total of 3,000 square feet. The commercial space is 3,171 square feet. Seven parking spaces (two covered and five uncovered) are provided. No exterior architectural alterations are proposed.

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units and one commercial condominium unit (SBMC§27.07); and
2. Condominium Conversion to allow the conversion of three apartments and one commercial unit to four condominium units (SBMC§28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak either in favor of the application or opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 2, 2008.
2. Site Plans.
3. Correspondence received in opposition to the project:

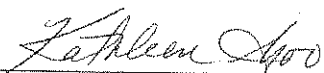
Paula Westbury, 650 Miramonte Drive, Santa Barbara, CA 93109

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

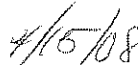
Denied the project, as unable to make the findings for a Tentative Subdivision Map and Condominium Conversion; therefore making the determination that the overall design, including project amenities and physical condition of the condominium conversion for mixed-use, will not result in an aesthetically attractive, safe, and quality construction for a condominium conversion project per Ordinance standards.

This motion was passed and adopted on the 9th day of April, 2008 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Kathleen Goo, Staff Hearing Officer Secretary



Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
3. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: April 2, 2008
AGENDA DATE: April 9, 2008
PROJECT ADDRESS: 810 Bond Avenue and 516 N. Nopal Street (MST2004-00351)

TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JH*
 Kathleen Kennedy, Associate Planner *KK*

I. PROJECT DESCRIPTION

The proposed project involves the conversion of an existing four-story, mixed-use development, consisting of three apartments and one commercial unit, to four condominium units on a 7,185 square foot (SF) lot. The residential units consist of one 601 SF one-bedroom unit, one 1,137 SF two-bedroom unit, and one 1,262 SF three-bedroom unit. The residential portion consists of a total of 3,376 SF and the commercial portion consists of a total of 3,421 SF. There are seven existing parking spaces (two covered and five uncovered). The two-car garage is 314 SF. No exterior architectural alterations are proposed.

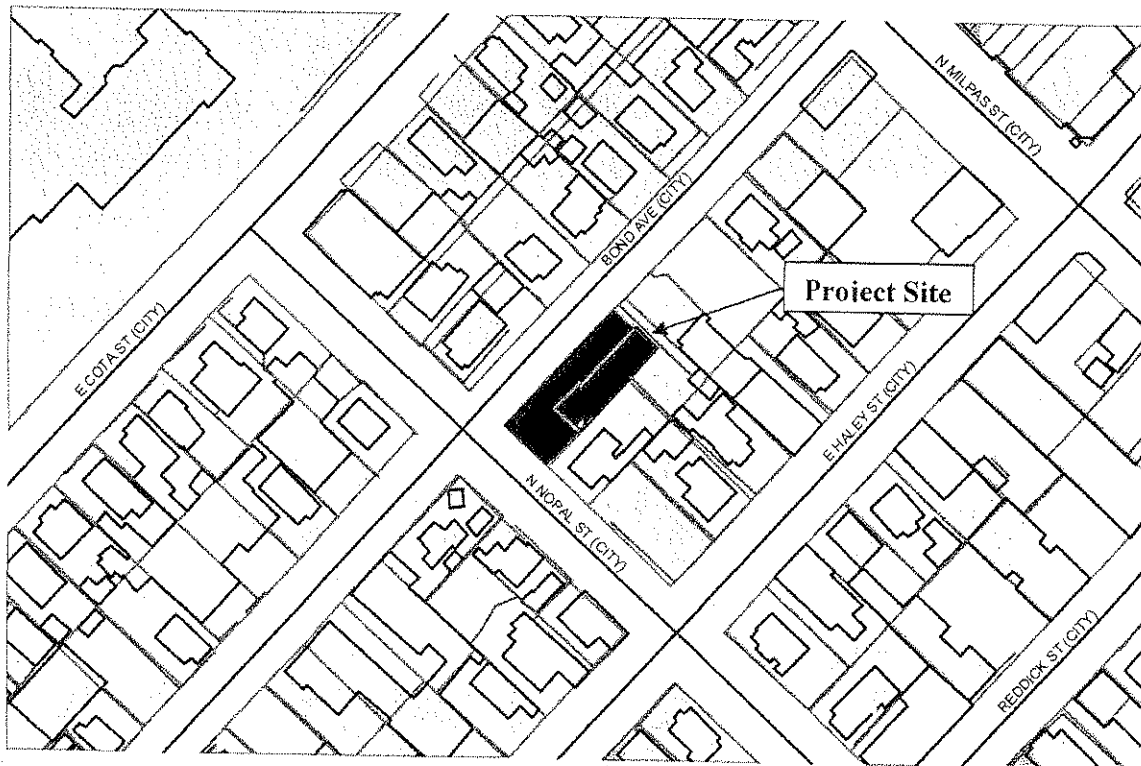
II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units and one commercial condominium unit (SBMC§27.07); and
2. Condominium Conversion to allow the conversion of three apartments to condominium units (SBMC§28.88).

III. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the Tentative Subdivision Map and Condominium Conversion Permit, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map for 810 Bond Avenue and 516 N. Nopal Street

APPLICATION DEEMED COMPLETE: February 21, 2008
 DATE ACTION REQUIRED PER MAP ACT: May 11, 2008

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Orosz Engineering Group, Inc.,	Property Owner: Peter and Sylvia Kurrels
Parcel Number: 031-234-022	Total Lot Area: 7,185 square feet
General Plan: Industrial	Zoning: C-2, Commercial
Existing Use: Three apartments/ automotive repair business	Proposed Use: Residential/Commercial Condominiums
Topography: flat	
Adjacent Land Uses:	
North: Residential	East: Commercial
South: Residential	West: Residential

B. PROJECT STATISTICS

Units	# of Bedrooms	Unit Size (net)	Deck Size
A & C (Commercial)	n/a	3,171 sq. ft.	48 sq. ft.
B (Residential)	1	601 sq. ft.	94 sq. ft.
D (Residential)	2	1,137 sq. ft.	245 sq. ft.
E (Residential)	3	1,262 sq. ft.	240 sq. ft.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing
Setbacks -Front -Interior	0' 0'	varies, min. 2.7' varies, min. < 1'
Building Height	4 stories/ 60' maximum	4 stories/ 39'-11"
Parking	7 uncovered spaces	2 covered, 5 uncovered spaces
Lot Area Required for Each Unit (Variable Density)	(1) 1-Bd. = 1,840 sq. ft. (1) 2-Bd. = 2,320 sq. ft. (1) 3-Bd. = 2,800 sq. ft. 6,969 sq. ft. required	Lot area : 7,185 square feet
Open Space	10% of lot area: 718 square feet	729 square feet
Private Outdoor Living Space	1- bedroom unit: 72 sq. ft. 2- bedroom unit: 84 sq. ft. 3- bedroom unit: 96 sq. ft.	1- bedroom unit: 94 sq. ft. 2- bedroom unit: 245 sq. ft. 3- bedroom unit: 240 sq. ft.
Lot Coverage -Building/ Porch -Paving/Driveway -Landscaping	n/a	3,171 sq. ft. (44 %) 3,286 sq. ft. (46 %) 729 sq. ft. (10%) 7,185 sq. ft. (100 %)

Parking: In any mixed-use development, where residential uses occupy up to fifty percent of the development, residential parking requirements may be reduced by fifty percent. In this case, the residential portion is less than fifty percent; therefore, three parking spaces, instead of six, are required. For the commercial portion, which is an auto repair business, the parking requirement is as much paved area for outside storage and parking of vehicles as there is area used for servicing of vehicles inside. In this case, the auto repair garage has four repair bays; therefore, four parking spaces are required onsite. With the provision of seven parking spaces, the parking requirement is met. Future changes of use from auto repair to other commercial uses could result in an increased parking requirement. For example, conversion to offices would require 13 spaces instead of the currently available four spaces. It would be necessary for the owner to find additional offsite parking to meet the requirement. A condition has been included that requires additional City review if the commercial use changes to a more intense use.

VI. ISSUES

A. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The project site is located in the Lower East neighborhood of the City, which is bounded on the north by Cota Street, on the south by Highway 101, on the east by a line behind the Milpas commercial strip, and on the west by Santa Barbara Street. The General Plan Designation of this area is Industrial, which is inconsistent with the Zoning designation of C-2, Commercial. The City's current Land Use Element, adopted in 1995, describes this neighborhood as a mix of residential, commercial, and industrial uses, with the anticipation that it would become an exclusively industrial area with no additional residential growth. That trend did not continue as the City has experienced more residential than industrial growth. However, the General Plan does not prohibit the construction of new residential units in the industrial area; therefore the proposed project to convert existing residential units to condominiums would not be inconsistent with the General Plan.

B. DESIGN REVIEW

The Architectural Board of Review (ABR) reviewed the project on January 8, 2008 and made the following comments: 1) The project design appears well handled; 2) Provide laundry facilities for Unit B; 3) Provide photos of way finding signs to all units; and 4) Provide photos verifying that parkway landscaping is being maintained. The applicant has indicated that the laundry facilities will be installed in Unit B, the way finding signs will be installed and photographs of the parkway landscaping will be provided upon returning to the ABR for preliminary approval.

C. REQUIREMENTS FOR CONDOMINIUM CONVERSIONS

The Condominium Conversion Ordinance states that "once a building permit has been issued, a building may not be converted unless the certificate of occupancy for the building was issued more than five (5) years prior to the date the owner files with the City an application for the approval of a tentative condominium map or conversion to a hotel or similar use, unless the building satisfies the City's requirements for new condominium construction." In this case, the certificate of occupancy for the mixed-use development was issued approximately one year ago, on April 24, 2007, and it has been determined that it satisfies the requirements for new condominium construction as well as the physical standards for new residential condominium development.

In addition to the requirements of the zone in which a project is located, physical standards are required for all condominium conversion projects per SBMC §28.88.040. The proposed condominium conversion project meets all of the required physical standards including unit size, separate utility metering, private storage space, laundry, parking and outdoor living space.

D. ENVIRONMENTAL REVIEW

No new construction is proposed for the condominium conversion project; therefore, the Environmental Analyst has determined that the project is exempt from further environmental

review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed condominium conversion and the density of development, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project is not likely to cause substantial environmental damage, and associated improvements will not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

B. CONDOMINIUM CONVERSION (SBMC§28.88.120)

1. All provisions of the Condominium Conversion Ordinance are met and the project will not be detrimental to the health, safety, and general welfare of the community.
2. The proposed conversion conforms to the density requirement of the Land Use Element of the General Plan.
3. The proposed conversion will conform to the Santa Barbara Municipal Code in effect at the time the application was deemed complete, except as otherwise provided in the Condominium Conversion Ordinance.
4. The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality construction.
5. The units have not been "affordable rental units"; therefore, affordability restrictions do not apply to the project.
6. The project is exempt from the provisions of Section 28.88.130 because the project consists of fewer than four residential units.
7. The Applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for City review through the date of approval.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant Letter dated March 24, 2008

STAFF HEARING OFFICER
CONDITIONS OF APPROVAL

810 BOND AVENUE & 516 N. NOPAL STREET
TENTATIVE SUBDIVISION MAP, CONDOMINIUM CONVERSION
APRIL 9, 2008

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 2. **Bond Ave Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Bond Avenue. As determined by the Public Works Department, the improvements shall include a new driveway apron modified to meet Title 24 requirements and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
 3. **Agreement to Construct and Install Improvements** The Owner shall submit an executed "Agreement to Construct and Install Improvements prepared by the Engineering Division, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
- B. **Recorded Agreement(s).** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, prepared by the Engineering Division which shall be recoded in the Office of the County Recorder including the following provisions:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 2. **Required Private Covenants.** The Owners shall submit either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common

utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- b. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all parking spaces (both covered and uncovered) shall be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to

capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

6. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on April 9, 2008 is limited to the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to three residential condominium units and one commercial condominium unit and the improvements shown on the project plans and Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 7. **Use Limitations.** Due to potential parking impacts, uses which require more parking than auto repair are not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Applicant.
 8. **BMP Training.** Employee training shall be provided on the implementation of Best Management Practices (BMPs) in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
 9. **Residential Permit Parking Program.** Residents of the Real Property and their guests shall not participate in the Residential Permit Parking Program.
- C. **Design Review.** The following items are subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following conditions have been satisfied.
1. Provide photographs of way finding signs to all units.
 2. Provide photographs verifying that the parkway landscaping is being maintained.
- D. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:

1. **Building Permit Required for Conversion.** Provide evidence that a conversion permit has been issued and all work completed for the conversion of the three residential condominiums, and one commercial condominium.
 2. **Tenant Displacement Assistance Ordinance Compliance.** Submit evidence of compliance with the Tenant Displacement Assistance Ordinance (SBMC Chapter 28.89).
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
 2. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. **Condominium Conversion Ordinance Compliance.** Owner shall comply with the tenant protection provisions of the Condominium Conversion Ordinance (SBMC Chapter 28.88) (including adjustments to the tenant assistance specified in Subsection 28.88.100.G as specified below):

1. **Notice of Approval of Conversion.** Owner shall deliver written notice to each tenant household within 15 days of the approval of the conversion. The content of such notice shall include an explanation of any conditions of approval that affect the tenants.
 2. **Notice of Final Map.** Owner shall deliver written notice to each tenant household of the approval of the final map within 10 days of such approval.
 3. **Exclusive Right to Purchase (Right of First Refusal).** Prior to issuance of a Certificate of Occupancy on the Conversion Permit, Owner shall provide evidence of the extension of an exclusive right to purchase in accordance with the provisions of Section 66427.1(d) of the Government Code.
 4. **Notice of Vacation of Unit.** Each non-purchasing tenant household that is not in default shall have not less than 180 days from the date of approval of the conversion in which to find substitute housing and to relocate. This 180-day period may be extended in special cases, as specified in Subsection 28.88.100.E of the Municipal Code.
 5. **Tenant Displacement Assistance.** In the place of the moving expenses specified in Subsection 28.88.100.G of the Santa Barbara Municipal Code, Owner shall provide each tenant household with displacement assistance in accordance with the provisions of Chapter 28.89. Evidence of compliance with this condition shall be submitted prior to the issuance of a Certificate of Compliance for the conversion permit.
- G. Prior to Final Inspection for the Condominium Conversion Permit.** Prior to Final Inspection for the Condominium Conversion Permit, the Owner of the Real Property shall complete the following:
1. **Recordation of Parcel Map.**
 2. **Recordation of the Agreement Relating to Subdivision Conditions Imposed on Real Property.**
 3. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curb, gutter, sidewalk, roadway, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
 4. **Complete Public Improvements.** Complete public improvements identified earlier in these conditions.
 5. **Recordation of Map and Agreements.** After City Council approval of the Parcel Map and Agreement(s), the Owner shall provide evidence of recordation to the Public Works Department.

STAFF HEARING OFFICER CONDITIONS OF APPROVAL
810 BOND AVENUE AND 516 N. NOPAL STREET
APRIL 9, 2008
PAGE 6 OF 6

6. **Evidence of Private CC&R's Recordation.** Evidence shall be provided that the private CC&R's required in Section A have been recorded, prior to Final Inspection.

NOTICE OF TIME LIMITS:

The Staff Hearing Officer's action approving the Tentative Subdivision Map and Condominium Conversion shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

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EXHIBIT B



Orosz Engineering Group, Inc.

1627 Calzada Avenue
Santa Ynez, California 93460
Phone/FAX 805-688-7814
email oeg@quixnet.net

March 24, 2008

OEG Ref 050104

Staff Hearing Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Subject: Kurrels Condominium Conversion 810 Bond Avenue, 516 N. Nopal Street
APN 031-234-022, MST#2004-00351

On behalf of the property owner's Peter and Sylvia Kurrels, Orosz Engineering Group, Inc. is seeking the City's approval of the conversion of three existing apartment units and one commercial unit to condominiums.

The project site is located at 810 Bond Avenue at Nopal Street. The property owner's have completed the construction of the mixed use complex located on the same property. In that approval, three apartment units were approved along with the commercial uses. The certificate of occupancy for the project was granted in the Spring of 2007. The condominium conversion proposed would not modify the actual construction, only the type of use. The current structure was designed and constructed with the additional requirements associated with condominiums in mind. The property owners have decided that they would like to be able to provide housing ownership opportunities in Santa Barbara, not additional rental units, based on the housing market and the economy.

The existing use of the property is for a commercial enterprise – The Engine Company. The existing commercial business houses 2,359 SF. The commercial space used by the Engine Company on the second floor of the building totals 812 SF. The residential units comprise the balance of the building use and square footage. The commercial square footage is greater than the residential square footage for the project. No changes in building square footage are proposed with the condominium conversion project. The existing business hours are 8:00 AM to 6:00 PM Monday through Thursday. The business is closed Friday through Sunday.

On-site parking for seven spaces exists. Three of the parking spaces are designated for the exclusive use of the three residential units. The remaining four spaces are shared between the daytime commercial business and night time residential uses. As required by the City's municipal code, the parking requirements for Automotive Repair are to provide an equivalent amount of parking outside of the facility as there are repair bays inside the structure. The Engine Company has four repair bays and there are four commercial use spaces outside of the structure provided for this use. The residential uses require 6 spaces. However, as this is a mixed use project with less than 50% residential square footage, the residential parking requirements are reduced 50% to 3 spaces. Bicycle and covered parking are not required.

Staff Hearing Officer
March 24, 2008
Page 2

Each residential unit has indoor laundry facilities, private storage and outdoor living space. When the building was constructed in 2005-2006, the building had individual utility metering and fire prevention systems installed and meet the Title 25 sound transmission requirements.

The site is located on APN 031-234-022 and encompasses 7,184.5 square feet. The conversion project does not propose any removal of any existing trees or significant vegetation. The site drainage plan is not impacted by the conversion plan. The site drainage is addressed under the previous building permit and construction documents incorporated by reference.

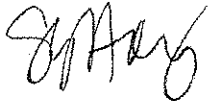
The site has 729 square feet or 10% of the site of landscaping. There is no grading proposed with the condominium conversion project. No variances or waiver of requirements are proposed.

The project received a concept review by the ABR. The ABR requested that the Unit C have a washer/dryer unit installed and that the way finding be improved at the entrance on Bond Avenue. The owner is complying with these requests and will provide proof of completion when the project goes back to ABR for preliminary and final approval.

Attached to this letter are plans depicting the layout of the condominiums, tentative map and reference drawings as requested by the planning staff.

On behalf of the property owners, Orosz Engineering Group, Inc respectfully asks the City to approve this application. We would also like to acknowledge the good work that our planner (Kathleen Kennedy) provided us during the application review process. Should you have any questions, feel free to contact me at 805-688-7814.

Sincerely,



Stephen A. Orosz
Agent for Peter & Sylvia Kurrels
Orosz Engineering Group, Inc

Attachments

Mr. Kato had the applicant clarify that the distanced between the top of the first battered wall and the new retaining wall to be 5-6 feet, with 2-5 feet of planting area.

The Public Hearing was opened at 1:54 p.m. and, as no one wished to speak, was closed at 1:55 p.m.

Ms. Weiss acknowledged receiving a recent letter correspondence from Ms. Paula Westbury expressing support regarding the proposed project.

Ms. Weiss stated that she is not overly concerned with, nor would object to, any specific color or concrete stain that the applicant might present to the SFDB.

The applicant confirmed that he attained neighborhood support for the project as neighborhood seemed to be in favor of the proposed project for safety reasons.

ACTION:

Assigned Resolution No. 028-08

Approved the modification of a wall in excess of 8 feet in height as required by the Engineering design, making the findings that the Modification is necessary to secure an appropriate improvement on site by retaining the subject lot and providing a solution to the existing landslide situation that it meets the purpose and intent of the Ordinance to maintain a stable condition of private property without impacting the safety of the adjacent public street. Subject to a thorough review of landscape screening by the Single Family Design Board (SFDB).

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.

ACTUAL TIME: 2:00 P.M.

E. APPLICATION OF OROSZ ENGINEERING GROUP, INC., AGENT FOR PETER AND SYLVIA KURRELS, 810 BOND AVENUE AND 516 N. NOPAL STREET, APN 031-234-022, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2004-00351)

The proposed project involves the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to four condominium units on a 7,185 square foot lot. The residential units consist of one 601 square foot one-bedroom unit, one 1,137 square foot two-bedroom unit, and one 1,262 square foot three-bedroom unit for a total of 3,000 square feet. The commercial space is 3,171 square feet. Seven parking spaces (two covered and five uncovered) are provided. No exterior architectural alterations are proposed.

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units and one commercial condominium unit (SBMC§27.07); and
2. Condominium Conversion to allow the conversion of three apartments and one commercial unit to four condominium units (SBMC§28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

Steve Orosz, Agent/Applicant from Orosz Engineering Group, Inc.; and Peter Kurrels, Property Owner, present.

Ms. Weiss announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Kathleen Kennedy, Associate Planner, gave the Staff presentation and recommendation.

Ms. Weiss requested staff to clarify whether the proposed project meets the requirement for new condominiums that each residential unit have one covered parking (§28.90.100.G, 3e).

Staff explained the proposed project meets the mixed-use development parking requirement which allows 50% of the required parking for the residential units and that the spaces do not need to be covered (§28.90.100.H).

Mr. Kato clarified that staff believes that the residential parking requirements for mixed-use developments as stated above *supersedes* the standard condominium conversion requirement that each residential unit have one covered parking.

Ms. Weiss expressed concern regarding the appropriateness of the proposed mixed-use project as a condominium conversion, i.e., the mix of land uses for automotive repair and residential condominium units, is not appropriate.

Ms. Weiss also stated that she was concerned that the parking lot was not being utilized as shown on the plans.

The Public Hearing was opened at 2:13 p.m. and, as no one wished to speak, was closed at 2:14 p.m.

Ms. Weiss acknowledged receiving a recent letter correspondence from Ms. Paula Westbury expressing concern regarding the proposed project.

After examination of the most recent design review included in the Staff Report of the already approved, permitted, and constructed residential structure, Ms. Weiss expressed concern that the Architectural Board of Review's original assessment of the design and intent of the project and land use foresaw the present proposed use as a mixed-use condominium conversion, as the site is not well-suited for a permanent (as opposed to a temporary rental) mixed-use condominium development.

Ms. Weiss stated that, at her discretion, she is unable to make condominium conversion finding under Section VII, Item B4 of the Staff Report which states "The overall design (including project amenities) and physical condition of the conversion will result in a project, which is aesthetically attractive, safe, and of quality

construction." Ms. Weiss was also concerned that the project should have been originally proposed as a mixed-use development with condominiums as opposed to being apartments. If it had, it would have been a different project.

ACTION:

Assigned Resolution No. 029-08

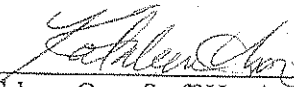
Denied the project, as unable to make the findings for a Tentative Subdivision Map and Condominium Conversion; therefore making the determination that the overall design, including project amenities and physical condition of the condominium conversion for mixed-use, will not result in an aesthetically attractive, safe, and quality construction for a condominium conversion project per Ordinance standards.

Ms. Weiss announced the ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Commission.

III. ADJOURNMENT

Ms. Weiss adjourned the meeting at 2:23 p.m.

Submitted by,



Kathleen Goo, Staff Hearing Officer Secretary



Orosz Engineering Group, Inc.

1627 Calzada Avenue
Santa Ynez, California 93460
Phone/FAX 805-688-7814
email oeg@quixnet.net

RECEIVED

APR 15 2008

CITY OF SANTA BARBARA
PLANNING DIVISION

OEG Ref 50104

April 15, 2008

Planning Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Subject: Appeal of Staff Hearing Office (SHO) Denial of Request to Convert Three Residential Apartments to Residential Condominiums – 810 Bond Street and 516 North Nopal Street

Honorable Planning Commissioners:

On behalf of the property owners Peter and Sylvia Kurrels, Orosz Engineering Group, Inc (OEG) is submitting this letter to appeal the Staff Hearing Officer (SHO) denial of our request to convert the existing mixed use commercial use and residential apartment use to commercial and residential condominiums at the subject property.

In November of 2007, we made our application to convert three residential apartments and one commercial unit to three residential condominiums and one commercial condominium. The application was deemed complete in February 2008 and was scheduled for the SHO hearing on April 9, 2008. The project staff report noted that all condominium findings could be made and that no variances or modifications were being requested. The project proposal met and exceeded all requirements of condominiums in terms of unit size, private open space, parking, site open space, storage, etc.

The SHO based the project denial on two primary areas: land use compatibility and covered parking.

Land Use Compatibility: The property is currently zoned commercial (C-2) and has a general plan designation as industrial use. In 2003, the property received an approval for a mixed use development of apartments and commercial use (automotive repair). Currently, two of the three residences are rented and the property owner has received several inquiries from potential buyers. Due to the hours of operation of the auto repair shop (Monday –Thursday 8AM -6 PM) and the normal residential uses (5 PM-8 AM Monday – Friday, all day weekends) the two types of uses are very compatible. When the building was constructed, specific sound reduction measures were incorporated into the residential uses to account for the potential noise generation by the automotive uses. There have been no complaints filed by the residents regarding the noise, parking or other issues. There are no restrictions that we could find in the City's zoning ordinance that would prohibit automotive repair and residential uses residing on the same property.

The ABR reviewed the project in January of 2008 and unanimously approved of the change from apartment uses to condominium uses. Two minor conditions of approval were incorporated into the project conditions of approval that was presented to the SHO.

Therefore, we feel that that residential and automotive uses are compatible and that the condominium conversion project should be considered by the Planning Commission for approval.

ATTACHMENT D

Covered Parking: Residential parking for seven parking spaces is provided on the project site consistent with Chapter 28.90.100 (G.3) and (H.1). Four commercial parking spaces are provided for the automotive repair use and three residential spaces are provided. Based on the parking requirements outlined in Chapter 28.90.100 H.1., the residential parking is not required to be covered, but is encouraged. The proposed project exceeds this standard by providing two of the three residential parking areas in a covered garage area. As the parking proposed for the project exceeds the minimum standards, we feel that the project should be considered for approval by the Planning Commission.

Timing of Conversion: While not specifically mentioned as a formal issue by the SHO, there was a concern noted regarding the timing of the request to convert the apartments to condominiums. The mixed use project was originally approved in 2003. The project started the design phase and was slated to begin construction in late 2004/early 2005. At that time, there was a significant cost in steel and other building materials that drove the cost of the project up significantly. By the time the construction was completed, the project costs were significantly more than estimated due to unforeseen material and labor costs. During this time, the property owner began exploring the option of converting the apartment uses to condominiums due to the significant costs that were being incurred. In 2004, an original application to convert the apartments to condominiums was filed with the City and a PRT response letter was provided for the project. As the project was just starting to go to construction, the owner decided to focus on constructing the building and keeping his business going and put the condominium conversion on hold.

By the time the project was completed, the real estate market was changing again in the summer and fall of 2007, exacerbating the financial impacts to the property owner. About six months after the project was completed, the owner reinitiated the conversion request and by November 2007 the formal response the PRT comments was provided.

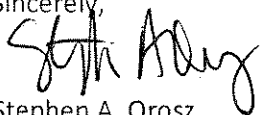
Therefore, due to the changes in the economy, construction material and labor costs and the real estate market between 2003 and 2008 (five years), the owner has made a fiscal decision to seek the conversion of residential apartments to residential condominiums.

The property owners, Peter and Sylvia Kurrels, have been Santa Barbara residents for over 44 years and local business owners in the City for 31 years. They are long term residents and have been involved in many local activities over the years. They are interested and concerned about the community that they live and work in.

On their behalf, OEG is requesting that the Planning Commission overturn the SHO denial of the conversion of three residential apartments and commercial space to three residential condominiums and one commercial condominium and approve the property owners' request at the earliest possible hearing date.

Should you have any questions, feel free to contact us.

Sincerely,



Stephen A. Orosz
Orosz Engineering Group, Inc.
Agent for Peter and Sylvia Kurrels

IV. STAFF HEARING OFFICER APPEAL:

ACTUAL TIME: 1:38 P.M.

APPEAL OF OROSZ ENGINEERING GROUP, INC., AGENT FOR PETER AND SYLVIA KURRELS, 810 BOND AVENUE AND 516 N. NOPAL STREET, APN 031-234-022, C-2, COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2004-00351)

The denial of the proposed project by the Staff Hearing Officer on April 9, 2008 has been appealed by the property owner. The proposed project involves the conversion of an existing four-story, mixed-use development consisting of three apartments and one commercial unit to four condominium units on a 7,185 square foot lot. The residential units consist of one 601 square foot one-bedroom unit, one 1,137 square foot two-bedroom unit, and one 1,262 square foot three-bedroom unit for a total of 3,000 square feet. The commercial space is 3,171 square feet. Seven parking spaces (two covered and five uncovered) are provided. No exterior architectural alterations are proposed.

The discretionary applications required for this project are:

1. Tentative Subdivision Map for a one-lot subdivision to create three residential condominium units and one commercial condominium unit (SBMC§27.07); and
2. Condominium Conversion Permit to allow the conversion of three apartments and one commercial unit to four condominium units (SBMC§28.88).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities).

Case Planner: Kathleen Kennedy, Associate Planner
Email: kkennedy@SantaBarbaraCA.gov

Kathleen Kennedy, Associate Planner, gave the Staff presentation and stated that one letter of support had been received.

Bettie Weiss, Staff Hearing Officer, summarized the reasons for the denial and stated that the absence of the parking exception is not a concern; however, concerns remain with the parking design issues caused by accessing the covered parking spaces.

Staff answered Planning Commission questions about the unique parking area and the reasons for the layout assuring the Commission that landscaping and striping will be included; explaining that the site did not provide sufficient turning radius for other parking options; and the Architectural Board of Review (ABR) had previously found that the project was compatible with the neighborhood. Staff explained that the findings for a parking exception are different than they are for a modification and that the condominium conversion ordinance has no separate parking standard for condominium conversions involving mixed-use development.

Steve Orosz, Orosz Engineering Group, Inc, gave the applicant presentation prefaced by addressing the Commission's comments, stating that the business is closed on Fridays, Saturdays and Sundays; described the parking layout and driveways; and discussed the ABR's approval of the project with minor conditions.

Mr. Orosz answered the Planning Commission's questions about how overnight parking was managed, deferring to the property owner for clarification. He also clarified the availability of a second handicap access to the second floor.

Peter Kurrels, Owner, addressed the Commission and emphasized that the addition of landscaping was challenging due to the constraints of the small location.

Chair Myers opened the public hearing at 2:16 P.M.

The following people spoke in support of the appeal:

1. Nancy Branch, tenant, supports the approval of the project and looks forward to being able to buy one of the condominium.
2. Debbie Munro, tenant, supports the approval of the project and states that the area is peaceful and quiet and parking is not an issue.
3. Edward Brauer, tenant, supports the approval of the project and appreciates the proximity to stores. He has two cars and does not have issues with guest parking, who use the adjacent lot after it is closed.
4. Manfred Gauer, neighbor, supports the project and does not see any distinguishing impact from whether the building is maintained as rentals or condominiums. Stated that parking on street and on top of parking garages is not covered, so see no reason to require covered parking for the project.

With no one else wishing to speak, the public hearing was closed at 2:22 P.M.

Staff and Mr. Orosz answered additional Planning Commission's questions about the windows on the second floor, stating that there are no openings on the property lines.

Staff answered additional Planning Commission questions about the condition for the addition of landscaping.

Commissioner's comments:

1. Two Commissioners could support the Staff Hearing Officer's inability to make the finding necessary for the approving the project. Concerned about assumptions for hours of operation of the auto repair facility that could be changed in the future.
2. Two Commissioners would like to see a higher standard used that includes better pedestrian markings, permeable paving, and more landscaping. Would like to see a disclosure made to buyers that the east and south sides could have building development at the lot line.

3. One Commissioner agrees that it is a strange mix of uses between the auto repair facility and the residences, but acknowledges it is within the Zoning Ordinance. People want ownership opportunities, but are not giving consideration to maintenance and upkeep issues that could later default to the other condominium owners. Would like to see the parking requirements analyzed for any change of use.
4. One Commissioner thought the aesthetics were better than many condominium conversions that have been reviewed. Feels that adding a second driveway entrance from Nopal Street would solve the parking issue.
5. Most Commissioners remained concerned with the current parking layout. Acknowledged all that the applicant has done to make the project work. If project moves forward, would want to condition that occupants not participate in the Residential parking permit program.
6. One Commissioner noted that it is unfortunate that the concrete work cannot be penetrated, even for enhancement. Honors the tenants that would like to purchase the condominiums.
7. One Commissioner added that the residential uses would not change whether the building remained as rental units or condominium units.
8. One Commissioner could support the waiver if it had additional landscaping and/or pervious surfacing to break up the expanse of concrete; stated strongly that soil penetrating landscaping was necessary because it would be more permanent.
9. One Commissioner restated that the project does not meet the condominium conversion standard because it requires a waiver, and does not agree with the traffic circulation plan. Cannot support. This is not a mixed use project; this is a condominium conversion.

Ms. Hubbell provided reference from the Zoning Ordinance relating to the need for a waiver by the Public Works Director for parking to back out onto the street, not a parking modification. Steve Foley, Supervising Transportation Planner, added that any parking space backing out onto the street placed less than 50' from the intersection is not acceptable.

Ms. Hubbell suggested that the Commission consider whether it wanted to change the Condominium Conversion Ordinance to include mixed-use projects.

MOTION: White/Bartlett

Continue to September 4, 2008 with the intent to approve project if applicant can 1) redesign the parking area to allow one of the parking spaces to back onto Nopal Street; 2) provide additional in-ground landscaping to the extent possible, and 3) the cobra head light fixture is changed out.

One Commissioner struggled with the project, but does approve of the project. Circulation, delineation of pedestrian paths, and parking would be different if this was a straight condominium conversion. Two Commissioners concur that the market will dictate who will want to buy the condominium units.

One Commissioner would want to see a good effort made on the landscaping given the significance of maintaining the services in this neighborhood of Santa Barbara. Does not want to set a standard that is lower than what would be used on other neighborhoods.

Mr. Orosz thinks that the project can be evaluated and would like to come back to address the landscaping and pedestrian issues.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

Chair Myers called a recess at 3:01 P.M. and resumed the meeting at 3:18 P.M.

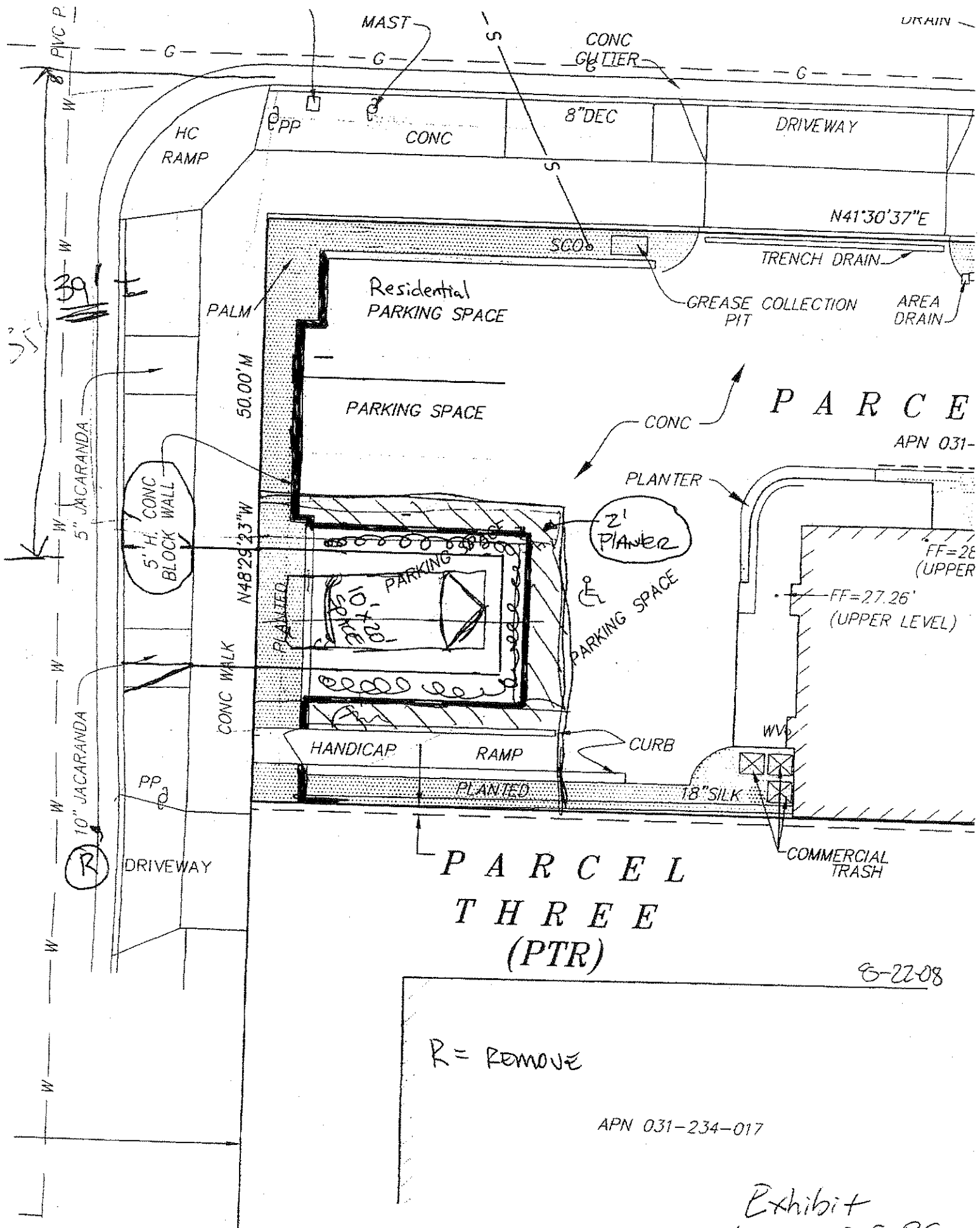


EXHIBIT D

Exhibit
Access per P.C.

